

Berger

19840



DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-205131

DATE: October 21, 1981

MATTER OF: McCotter Motors, Inc.

DIGEST:

Protest of affirmative determination of responsibility, which does not allege fraud on the part of contracting officer or failure to apply definitive responsibility criteria, is not for review by GAO.

McCotter Motors, Inc. protests the award of a contract to any other bidder under invitation for bids No. F49642-80-B-0064, issued by the Washington Area Contracting Center, Andrews AFB, Washington, D. C.

In support of its protest, McCotter alleges that Hust Brothers, Inc., the apparent low bidder, is not a responsible bidder within the meaning of Defense Acquisition Regulation Part I, Section 9. Our Office will not review protests of affirmative determinations of responsibility unless fraud is alleged on the part of procuring officials or the solicitation contains definitive responsibility criteria which allegedly have not been applied. Microsurance, Inc., B-195144.2, July 6, 1979, 79-2 CPD 14. Neither exception is applicable here and consequently we will not consider this protest.

The protest is dismissed.

Harry R. Van Cleve
Harry R. Van Cleve
Acting General Counsel

116711

018996